



A Special Meeting of the  
**Brian Head Town Council**  
Town Hall Council Chambers  
56 N. Hwy 143, Brian Head, UT 84719  
**THURSDAY, JUNE 02, 2011@ 1:00 PM**

## AGENDA

**A. CALL TO ORDER**

**B. DISCLOSURES**

**C. AGENDA TOPICS:**

- 1. PUBLIC SAFETY BUILDING DECISION.** The Council will decide on whether to proceed with the construction of the Public Safety Building with a formal vote.
- 2. BID AWARD FOR DISMANTELING AND REMOVAL OF THE EXISTING PUBLIC SAFETY BUIDLING.** Bryce Haderlie, Town Manager. The Council will award the contract for the dismantling/demolition and removal of the existing building.
- 3. REVISED ARBOR DAY PROCLAMATION.** Cecilia Johnson, Town Treasurer. The Council will adopt a revised Arbor Day Proclamation claiming June 14, 2011 as Brian Head Arbor Day, due to inclement weather the previous Arbor date (May 28, 2011) set was cancelled.

**D. ADJOURNMENT**

**Dated the 1<sup>st</sup> Day of June, 2011**

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

### CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 1<sup>st</sup> day of June 2011 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

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Nancy Leigh, Town Clerk

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Brian Head Town Council  
Town Hall Council Chambers  
56 N. Hwy 143, Brian Head, UT 84719  
THURSDAY, JUNE 02, 2011 @ 1:00 PM**

**Roll Call.**

**Members Present:** Mayor H.C. Deutschlander, Council Member Stewart Fausett, Council Member Jim Ortler.

**Absent/Excused:** Council Member Hans Schwob, Council Member Linda Ames.

**Staff Present:** Bryce Haderlie, Nancy Leigh, Gary Bulloch, Tom Stratton, Wendy Dowland

**A. CALL TO ORDER**

Mayor Deutschlander called the special meeting of the Brian Head Town Council to order at 1:25 p.m. Mayor Deutschlander then led the Council and others in the Pledge of Allegiance.

**B. DISCLOSURES**

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Recorder's office and are available for public inspection during normal business hours.

**C. AGENDA TOPICS:**

Bryce Haderlie, Town Manager, requested Council's direction before proceeding with today's scheduled agenda items. Bryce explained that in evaluating the town's purchasing policy, there is a mandatory 14 day noticing period before a bid opening if the amount is over \$25,000.00. This process would delay the construction on the public safety building project. Bryce inquired if the Council would consider an amendment to the purchasing policy ordinance. Bryce distributed the town's current purchasing policy along with state law on noticing for bids in which the state defers to a "reasonable time" for noticing for bids.

Discussion was held regarding the building project and possible delays in the construction if the town followed the current ordinance. The Council then reviewed possible options:

1. Using the state code to identify "reasonable time" from 14 days to 5 days with one publication instead of two publications in two consecutive weeks.
2. If the bids were combined into one bid such as the footing, foundation and excavating in order to reduce the number of bid advertisements which would need to be published.
3. If the purchasing ordinance should be modified to identify the public safety building project specifically.
4. Future projects which could be identified as "fast track" projects and possible issues relating to the town's current ordinance.

Council directed staff to modify Title I, Section 11, Purchasing Policies in the Brian Head Town Code to identify a third category for noticing requirements for bidding and identify rules/procedures for a "fast track" project and present to Council for adoption.

Bryce then updated the Council on the County's Reverse 911 system in which Brian Head will be charged a total of \$55.00 this year due to the low population count of 83 people from the 2010 Census. Mayor Deutschlander went on to report the Reverse 911 System is working well in which three occurrences have taken place; a lost child in Parowan; an escaped convict from a youth correctional facility and the New Harmony fire.

**1. PUBLIC SAFETY BUILDING DECISION.** Council decision on the construction of the Public Safety Building. Council Member Ortler referred to the draft copy of the Contractor At Risk presented to Council as an informational item only (see attached). Bryce explained legal is currently reviewing the draft contract for corrections to be made prior to submitting the contract to Council and the CIB Board for approval.

The Council held discussion on the contract draft:

1. Weather related issues could delay the project in which the fire trucks are to be in the building by Thanksgiving, 2011. Council directed staff to work with Mr. Pendleton on moving the Thanksgiving date sooner and the rest of the building could be ready for occupancy by the town in the spring of 2012. There will be two timeframes for substantial completion.
2. Council Member Ortler noted his concerns regarding the contract identified certain items such as the contractor is entitled to an extension of the completion date and an increase in price if adverse weather is a condition. Council Member Ortler commented that Pendleton Building was noted for their experience in building in Brian Head and would like the provision taken out of the contract. Bryce reported he will express the Council's concerns to Mr. Pendleton on reducing any type of delays and will confirm with legal on possible language for weather issues.
3. The town attorney is currently reviewing the contract for liquidated damages to be identified in the contract.
4. Whether a Value Engineering section should be identified in the contract.

5. Council's concern on the "owner's representative" in which the town would be bound by the decisions of the "owner" if Council were to authorize the Town Manager as the "owner".
6. Site cleanup will need to be identified in the contract or clarified if it is in the overhead cost section.
7. The Council would like to have the provision in the contract for electronic drawings. Bryce explained the town may not have the software or capability to open the programs. Bryce will follow up with the Architects on the electronic drawings and report back to Council.
8. Section on "reasonable transportation costs / hotel costs" was discussed. Mayor Deutschlander requested this section be deleted from the contract since Pendleton Building received favorable consideration due to being a local contractor in Parowan. Bryce explained the transportation travel could be identified in the cost of overhead, but will discuss this item with Mr. Pendleton on hotel and living expenses.
9. 8.2.1 Wages/Labor: Staff will confirm with legal on the interpretation of what the town would be responsible for as it pertains to Mr. Pendleton's employees.
10. Staff will confirm with legal on clarifying Article 8 in the contract and report back to Council.
11. Council Member Ortler inquired as to items listed on page 9 of the contract, in which the Contractor could complete them and not hire a subcontractor. Staff will confirm.
12. The town is required to accept the lowest responsive bid for the projects as per state law and town ordinances. The town will award the minimum bid for a grouping of bids such as the foundation, footings and excavating package. Another package could be the building mechanical, electrical, etc. These packages would be awarded the lowest bid in total.
13. Pendleton Building is responsible to oversee the project but has the ability to also bid on as a sub for some of the work.
14. The town is required to obtain insurance on the project which is highly recommended as a protection for the town.
15. It was suggested the major subcontractor obtain a bond in order to protect themselves and the town. Bryce explained that the cashing of a check could be a type of lien waiver, but will confirm with legal.

**Consensus of the Council:** Staff will continue to prepare a final draft of the contract for Council's review and approval and directed staff to start with the process on the public safety building project.

## **2. BID AWARD FOR DISMANTELING AND REMOVAL OF THE EXISTING PUBLIC SAFETY BUILDING.**

Awarding the contract for the salvage and removal of the existing public safety building. Bryce Haderlie, Town Manager, presented the bid tabulation for the dismantling and removal of the metal portion of the existing public safety building (see attached). Bryce recommended Mr. Mark Mellor, Jomark Excavating, from Beryl, UT be awarded the bid as the lowest bid in the amount of \$2,500.00. Bryce reported he has spoken with Mr. Mellor who is experienced in salvaging and removing buildings.

**Motion:** Council Member Ortler moved to award the bid for the salvage/removal of the existing public safety building to Jomark Excavating in an amount not to exceed \$2,500.00. Council Member Fausett seconded the motion.

Discussion was held regarding the wood structure portion of the existing building in which Mr. Mellor has offered to remove so that he can salvage the windows and roof trusses. The bid includes the metal portion of the building, not the wood structure office area. The town will be demolishing this portion of the building in order to save costs. Council Member Ortler suggested the town pull the copper wire from the building prior to it being removed. Bryce reported staff will evaluate it to determine the confines of the wire.

**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Ortler. Absent: Council Member Schwob, Council Member Ames).**

## **3. REVISED ARBOR DAY PROCLAMATION.** The Arbor Day Proclamation claiming June 14, 2011 as Brian Head Arbor Day.

Mayor Deutschlander explained the situation surrounding the changing dates for Arbor Day. The original date was set for May 28, 2011, but due to inclement weather and the amount of snow still on the ground, the Tree Commission was unable to plant any trees for the Arbor Day ceremony. June 14, 2011 has been set for Arbor Day and Mayor Deutschlander requested the Council approve the Arbor Day Proclamation as presented.

**Motion:** Council Member Fausett moved to approve the revised Arbor Day Proclamation identifying June 14, 2011 as Brian Head Arbor Day. Council Member Ortler seconded the motion.

**Action:** **Motion carried 3-0-0, roll call vote (summary: Yes = 3 Vote: Yes: Mayor Deutschlander, Council Member Fausett, Council Member Ortler. Absent: Council Member Schwob, Council Member Ames).**

Mayor Deutschlander reported two meetings will be held on redistricting. The first meeting is scheduled for June 11, 2011 at 10:00 am at Southern Utah University in the Hunter Gray Hall in Cedar City. The second meeting will also be held on June 11, 2011 at 3:00 p.m. at the Dixie State Eccles Fine Arts Center in St. George.

**D. ADJOURNMENT**

**Motion:** Council Member Fausett moved to adjourn the special meeting of the Brian Head Town Council for June 02, 2011. Council Member Ortler seconded the motion.

**Action:** **Motion carried 3-0-0 (summary: Yes = 3 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Ortler. **Absent:** Council Member Schwob, Council Member Ames).

The special meeting of the Brian Head Town Council was adjourned at 2:30 p.m. for June 02, 2011.

June 14, 2011

Date Approved

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Nancy Leigh, Town Clerk/Recorder